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hairman: Mr. CISSÉ (Senegal)

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The meeting was called to order at 3.25 p.m.

AGENDA ITEM 100: HUMAN RIGHTS QUESTIONS (continued) (A/49/36)

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/49/188, A/49/228-S/1994/827, A/49/264-E/1994/113, A/49/293, 311, 321, 337, 366, 410, 415, 416, 512, 528, 545, 582 and 595; A/C.3/49/5, 9, 11 and 17)

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(d) COMPREHENSIVE IMPLEMENTATION OF AND FOLLOW-UP TO THE VIENNA DECLARATION AND PROGRAMME OF ACTION (continued) (A/49/668; A/C.3/49/5, 8 and 10)

(e) CAPITAL PUNISHMENT (continued) (A/49/234 and Add.1 and Add.2)

1. Mr. DENG (Representative of the Secretary-General on internally displaced persons) said that the end of the third year of his activities represented a crossroads in efforts to enhance international protection and assistance for the internally displaced of the world. His report (A/49/538) provided a brief overview of work carried out so far and planned under his mandate. The main objectives of his mandate were to study the generic problem of internal displacement, monitor conditions in the affected countries, enter into dialogue with Governments and other actors concerned, evaluate relevant international legal norms and institutional arrangements and develop an overall strategy for providing better protection and assistance.

2. Despite the comprehensive study prepared at the outset of his mandate and annual reports to the Commission on Human Rights and the General Assembly, further research on the phenomenon was still needed. Hence the plans for a comprehensive project aimed at the development of a strategy of international assistance and protection for internally displaced persons to complete the study phase of the mandate. Thereafter efforts would be focused on more operational aspects. The study would be carried out in close cooperation with academic and research institutions and had four interrelated goals: the achievement of a better understanding of internal displacement and its consequences; the compilation and evaluation of international legal norms with a view to developing standards that would fill any lacunae that might exist in the law; the submission of recommendations for a more effective response to the needs of the internally displaced by existing international and regional structures; the

formulation of policy recommendations for the development of institutional capacities to address such problems.

3. Generally the scale of the problem was increasing, and although statistics were not entirely reliable, it was recognized that the internally displaced outnumbered the refugee population in the world by some 10 million. The internally displaced lived in appalling conditions and were deprived of the basic necessities of life. There was currently no international instrument or mechanism for the specific purpose of protecting and assisting such persons. There was also disagreement among international legal experts on whether existing instruments provided adequate protection. A proper evaluation of existing norms was therefore of primary importance. Likewise, it was clear that some instrument, whether of legal or moral authority, was required to focus international attention on the problem and establish appropriate guidelines for the protection and assistance of displaced persons.

4. With regard to existing arrangements, a number of governmental and non-governmental organizations were showing increasing concern about the plight of the internally displaced and expanding the scope of their operations accordingly. However, the political will to establish a new organization was lacking, the preferred solution being to make use of existing structures through enhanced coordination.

5. As the only person responsible for catering to the needs of the internally displaced, the representative of the Secretary-General should be responsible for inter-agency cooperation and play a catalytic role in mobilizing the support of more operational organizations outside the United Nations system. The parameters of the representative's mandate, as outlined in the relevant resolutions of the Commission on Human Rights and the General Assembly, included the identification of crisis situations, interceding on behalf of the victim population and mobilizing international support, for an effective response to the challenge. However, the objectives could not be realized without adequate human and material resources. At present the representative of the Secretary-General provided his services on a voluntary basis, with the assistance of one junior staff member appointed on a short-term basis and another donated by the Government of Norway. The limited resources available did not allow for a sufficient number of visits each year to affected countries. The representative must have the necessary resources at his disposal to fulfil his mandate properly.

6. The most effective way of promoting the cause of the internally displaced was to view it primarily as a human challenge encompassing humanitarian and human rights concerns. Some considered that the humanitarian aspect should be kept separate from the more political dimension in order to avoid any controversy. However, that idealistic approach did not take account of the essentially political context in which humanitarian and human rights emergencies unfolded.

7. With those considerations in mind, he had adopted an approach that attempted to reconcile sovereignty with responsibility. Governments must be

assured that the problem of the internally displaced came under their national sovereignty, which had to be respected. However, such sovereignty carried with it responsibility for protecting and assisting citizens in need. Normally Governments fulfilled that responsibility, and when a Government did not have the means to provide adequate protection it was expected to request or at least accept international assistance and cooperation in the discharge of that responsibility. In exceptional cases, where a Government had neither the capacity nor the political will to carry out its responsibilities, it could not expect the international community to stand by and watch as large numbers of its citizens were neglected. He was encouraged by the overall response of Governments to his country visits - eight so far - but although further visits were planned for 1995, they were still insufficient, given the scale of the problem.

8. He emphasized the importance of United Nations credibility to the victims of internal displacement. On his visits to displacement camps he was often called upon to address large groups of people and, although he could not afford to make rash promises, he must give people in need some hope. If the international community failed to generate a timely and effective response to the situation, the image of the United Nations would be tarnished, and tragic consequences would be suffered by millions of people. The way in which the historic challenge was faced would determine the fate not only of the many people looking to the United Nations for protection and assistance but also of generations to come. He hoped that the international community would not be complacent about the crisis it faced for which the current machinery was grossly inadequate. Naturally he wished to be part of the solution.

9. Mr. MAUTNER-MARKHOF (Centre for Human Rights), read out a statement prepared by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territory of the former Yugoslavia, introducing his report. In it the Special Rapporteur said that the reports he had prepared had confirmed the dramatic and tragic scale of human rights abuses in the various territories of the former Yugoslavia and in particular in Bosnia and Herzegovina.

10. Since the outbreak of the conflict in Bosnia and Herzegovina, the civilian population had been subjected to cruel and inhuman treatment. Civilians and civilian objects had been deliberately targeted in flagrant disregard for international humanitarian law. War crimes were being perpetrated and many people had disappeared or been forced to flee their homes. Currently the largest wave of displacement for more than two years was taking place in the regions of Banja Luka, Prijedor and Bijeljina, in the territories controlled by the Bosnian Serb forces, who were also responsible for systematic attacks on convoys providing humanitarian assistance. In addition to Muslims and Croats, Serbs who did not support the policy of the de facto authorities were also being persecuted, and it was very difficult to monitor the human rights situation in the areas concerned since the Bosnian Serb forces were preventing representatives of international organizations from gaining access to the areas.

11. Likewise human rights were being violated by Bosnian Croat and governmental forces. There had, however, been a significant improvement in the protection of human rights since the establishment of the Federation, the signing of the Washington Agreement and the adoption of the new constitution. However, the Federation had difficulty in guaranteeing freedom of movement and facilitating the return of refugees, owing to resistance at the local level.

12. The reconstruction project undertaken by the United Nations in Sarajevo and the European Union Administration in Mostar were playing an important role and, if successful, should constitute a model for the entire country. However, the two cities had recently suffered brutal attacks, which posed a serious new challenge for the United Nations and the European Union. Those profiteering from the war realized that peaceful development might undermine their position and influence. Moreover, the forthcoming winter represented an enormous humanitarian threat, and relief efforts by the United Nations High Commissioner for Refugees must be supported.

13. He drew particular attention to developments in the Bihac pocket, including the Security Council guaranteed so-called "safe area" where civilians and the United Nations Protection Force (UNPROFOR) faced threats posed by military attacks, and humanitarian relief was blockaded primarily by Bosnian Serb forces and the so-called "R.S.K.". There had been many fatalities, and illegal weapons such as napalm and cluster bombs had been employed in recent attacks, which added a new and terrifying dimension to the conflict.

14. While the situation in Bosnia and Herzegovina gave rise to the most immediate concern, serious human rights violations were occurring in other countries covered by the Special Rapporteur's mandate. Although the Republic of Croatia was laying the foundations for a State based on the rule of law, the human rights of various categories of people were often disregarded. Although the Croatian Government was cooperating with the Special Rapporteur, some actions by the authorities did not strengthen guarantees of legality and human rights, and that gave cause for concern. No progress in the human rights situation had been made in the United Nations Protected Areas, where the non-Serbian population continued to be harassed and Security Council decisions concerning return of refugees had not been implemented.

15. It was extremely difficult to carry out the mandate in the Federal Republic of Yugoslavia (Serbia and Montenegro), where the federal authorities consistently refused to cooperate with the Special Rapporteur and to some extent with the Centre for Human Rights, thereby failing to comply with the relevant resolutions of the General Assembly and the Commission on Human Rights. Nevertheless, local non-governmental organizations and other reliable sources reported human rights violations, such as acts of violence and harassment on ethnic and religious grounds. Furthermore, the police force abused its authority, particularly in Kosovo and Sandjak. There were serious breaches of human rights in Kosovo, including limitations on personal freedom and torture and other inhuman or degrading treatment, as well as discrimination. The majority of the population could not exercise the right to education or health,

and freedom of the media, particularly electronic media, was seriously restricted.

16. In Macedonia, the first steps towards establishing the rule of law were being taken, and amendments to the legislation were required. Despite indications that the police abused their power, recent events, including the national census and presidential and parliamentary elections, would improve the current human rights situation. It was important to remember that Macedonia faced serious difficulties caused by external factors including the sanctions against the Federal Republic of Yugoslavia and the embargo imposed by Greece, which seriously limited the possibilities for the enjoyment of economic and social rights.

17. The human rights situation in the countries covered by the Special Rapporteur's mandate, and in particular Bosnia and Herzegovina, must be a matter of serious concern for the international community. The failure of diplomatic efforts to achieve a peaceful solution to the military conflict posed a permanent threat. The activities of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia would undoubtedly be a key element in creating conditions for the future peaceful coexistence of people in the region. The participation of the international community in the reconstruction of Bosnia and Herzegovina was vital, and the efforts undertaken by the United Nations and the European Union must be given full support. However, unless military attacks directed at civilian targets were stopped, no meaningful progress could be achieved in Sarajevo, Mostar or elsewhere in the territories of the former Yugoslavia.

18. The international community should also contribute more effectively to the process of returning displaced persons and refugees to their homes, voluntarily, and in conditions of full security, through the implementation of peace agreements negotiated under the auspices of the United Nations. At present that was possible in some areas where existing obstacles could be overcome, inter alia, through greater economic and material assistance.

19. UNPROFOR had an important role to play in preparations for the return of such persons and a recent Security Council decision regarding the United Nations Civilian Police (UNCIVPOL) mandate should improve security conditions for the population. The number of United Nations human rights field officers should be increased. In cooperation with UNCIVPOL they would help to build a domestic system of human rights protection and act as mediators and advisers. So far, field operations had been financed from the United Nations regular budget and voluntary contributions, which would be exhausted by the end of 1994. If the General Assembly decided to continue the field operations it should also make provision in the regular budget for human rights monitoring operations by the Centre for Human Rights in the former Yugoslavia. The international community was well aware of the scale of human rights violations in the former Yugoslavia, as was borne out by the resolutions adopted, yet all endeavours to arrest the tragedy had largely proved ineffective. One of the main reasons for that failure was the lack of follow-up to international initiatives and the absence

of sanctions for those who flouted the relevant norms. A new escalation of the military conflict and the arrival of winter posed an enormous threat to the most fundamental human right - the right to life. The international community was in duty bound to address the crisis and undertake effective measures in order to bring an end to the suffering of all Bosnian people.

20. Mr. KEATING (New Zealand), speaking on the subject of capital punishment, said that the current initiative under sub-item (e) was modest in its ambitions. New Zealand rejected the arguments put forward by critics of the initiative that the death penalty was the prerogative of States and that systems of justice must reflect their national circumstances and that efforts towards universal abolition thus constituted a challenge to national sovereignty.

21. It had been firmly established that the death penalty did not come solely within domestic jurisdiction; it was governed by an international human rights instrument which had been adopted by the General Assembly and had entered into force. The Second Optional Protocol to the International Covenant on Civil and Political Rights established the principle that the abolition of the death penalty contributed to the enhancement of human dignity and the development of human rights. New Zealand was proud to be the first country to have ratified the Second Optional Protocol, as it considered that the death penalty was a punishment which could not be reconciled with respect for human rights. His country had removed all provisions for capital punishment from its domestic law and believed that a discussion in the present forum on the need for steps towards the universal implementation of the Second Optional Protocol was fully in keeping with the Charter of the United Nations.

22. His delegation was therefore disappointed at the expressions of support for capital punishment, but was even more disappointed at the arguments put forward by those who opposed it. The issue should be discussed on its merits; there was no justification for resorting to questions of sovereignty and domestic jurisdiction. He recalled that, not so long ago, the propagandists of various tyrannical regimes had resisted discussion in the United Nations on torture and other cruel and inhuman forms of punishment on similar grounds, and United Nations efforts to eradicate racism, colonialism and even apartheid had also been opposed on such grounds.

23. New Zealand was not seeking to impose its position on any other country, but it rejected the suggestion that it was not appropriate to discuss the issue in the General Assembly or to seek to persuade others to reconsider their positions and, progressively and voluntarily, to bring their systems of justice into line with international human rights standards. As to the proposals put forward in the draft resolution contained in document A/49/234, his delegation considered that there was no need for the issue to come before the General Assembly year after year. It would be sufficient for the issue to be raised periodically during the General Assembly, for all human rights standards were best achieved through persuasion and encouragement.

24. Mr. MINOVES-TRIQUELL (Andorra) said that the sponsors of the draft resolution contained in document A/49/234 had no desire to impose their ideas on

others or to infringe, as some had suggested, on the national sovereignty of States, respect for which was one of the underlying principles of the Organization. They wished only to advance the rational debate on what was an issue of human rights. It had taken two murderous world wars and the prospect of a final one to make the international community understand the principle that war itself was wrong. The question of capital punishment, too, involved a matter of principle; it was not simply an aspect of a particular set of societal or religious values.

25. Because of centuries of bloody conflict, his country had been quick to recognize the evils of war and had outlawed it in 1278. Similarly, because of Andorra's small size, on the occasions when the death penalty had been imposed, significant numbers of the population had been directly involved in the execution or had witnessed it. His people had eventually been thus forced to acknowledge the degrading effect of the death penalty on human dignity. No death sentence had been passed in Andorra since 1943, and the penalty itself had been abolished in 1990.

26. "A life for a life" seemed to be a reasonable equation. However, in practice, by legalizing the killing of another human being under certain circumstances, the existence of the death penalty made murder more justifiable in the eyes of the potential criminal. Not surprisingly, no statistical or comparative study showed any correlation between the imposition of the death penalty and the murder rate. The only true deterrent to murder was absolute respect for the right to life.

27. In asking Member States to vote in favour of the draft resolution, its sponsors were only asking them to renew their commitment to the open discussion on the drafting of principles that would bring the international community closer to understanding and full realization of the concept of human dignity.

28. Mr. SACIRBEY (Bosnia and Herzegovina) said that while, for the sake of brevity, he would limit his remarks to matters directly concerning his own country, he was nevertheless particularly concerned about the situation in Rwanda. The many measures envisaged for the rehabilitation of that country should be carried out quickly and thoroughly, and the international community should continue to watch developments there and to consider further assistance.

29. As many others had said before, humanitarian measures were being used in his country to cover the lack of political will to confront the reality of war with the necessary means. Moreover, in so far as any political will was exercised, the United Nations had decided to treat victim and aggressor alike. Combined with weak capabilities, that even-handed approach had proved more effective in preventing peace than in enforcing it. And, frighteningly, as the situation had deteriorated, some top United Nations officials had increasingly taken to suppressing and manipulating the information. A case in point was their denial of the veracity of outside reports of a Serb offensive on Gorazde until it had been too late.

30. As documented by the Special Rapporteur and Helsinki Watch, Serb-perpetrated human rights violations were on the rise in his country. The most savage ethnic cleansing was taking place in areas long under Bosnian Serb control, where the practice had been institutionalized. Humanitarian assistance to the eastern enclaves was repeatedly blocked in order to ensure the slow death of their weak and hungry populations. Since the "Contact Group"'s failure to confront the Bosnian Serbs after their rejection of its peace plan, Bosnian Serb forces had increased their attacks on civilian targets both inside and outside the so-called "safe areas".

31. The international community was currently allowing the human rights abuses to continue unchecked and unabated, despite the fact that whenever the Bosnian Serbs had been confronted with the force of law - regrettably a rare occurrence - such abuses had diminished. He wondered how many more tragedies it would take before a moral, practical policy was agreed upon and systematically enforced.

32. In conclusion, he encouraged all delegations seriously to consider the reports of the Special Rapporteur and other human rights investigators, which contained hard facts and practical recommendations. His delegation had noted the abuses and problems documented by the Special Rapporteur as having occurred in the territory held by his Government. He wished to point out that, while undeniable, most were attributable to the independent actions of local authorities, and that their scale and brutality paled in comparison with those committed by the Bosnian Serbs. His Government would continue to welcome and cooperate fully with all human rights investigators and would endeavour to meet the challenges with which it was confronted. It urged the members of the Committee to begin to reverse the trend of denial that had hitherto characterized the international response to human rights abuses in his country.

33. Mr. MUCH (Germany), speaking on behalf of the European Union, said that the time had come for the international community to consolidate the achievements of the Vienna Conference. Action was required in three spheres. First, there must be universal acceptance and implementation of the international human rights instruments. Second, it was necessary to bring about further strengthening and coordination of United Nations human rights activities. One step in that direction would be to enhance and monitor the all-encompassing system of special procedures, rapporteurs, representatives, experts and working groups. In that connection, the European Union welcomed the intention of the High Commissioner for Human Rights to continue the practice of convening joint meetings of the rapporteurs, experts and chairpersons of working groups. In general, it would continue to back all efforts aimed at achieving more efficient management of human rights resources. Another step would be finally to increase human rights budgets to a level commensurate with their importance. Human rights activities should not been seen as competing for funding with development activities, because, as had been recognized in Vienna, democracy and respect for human rights were essential for development. Third, while the primary responsibility for protecting human rights lay with Governments, the international community should help to promote a universal culture of human rights by providing all necessary assistance. In that connection, the European Union rejected all

claims of exemption from monitoring; Governments should see human rights mechanisms as a help, not a hindrance. They should extend their full cooperation in that context and should follow up on the recommendations made. The follow-up should then be given priority consideration at the annual sessions of the Commission on Human Rights.

34. Turning to sub-item (c), on human rights situations around the world, he said that, in attempting to promote and protect human rights, the European Union was guided not by realpolitik, as some had suggested, but by the deeply held convictions of its peoples. It realized that human rights abuses could occur and should be addressed anywhere, even within its own territory.

35. With regard to the report of the Special Rapporteur on the situation of human rights in the former Yugoslavia (A/49/641), the European Union once again urged all parties to respect the need for access to humanitarian aid and to ensure the safety of United Nations and European personnel. The European Union welcomed the start of the proceedings of the international tribunal on the former Yugoslavia and condemned the ongoing violations by the Bosnian Serbs of the human rights of non-Serbs in Bosnia and Herzegovina, as well as those committed by the Serbian authorities against members of the Albanian community in Kosovo and against minorities in Sandjak and Vojvodina.

36. While acknowledging the progress achieved in Albania in recent years, the Union urged the Albanian Government to ensure full respect for the human rights of the Greek and other minorities and to continue its institutional reforms to that end.

37. With regard to Turkey, the European Union noted with grave concern the lack of freedom of the press, the cases of torture and the limitations on trade unions. It urged early implementation of the Government's proposals to improve respect for human rights, and requested it to grant access to a human rights mission of the Conference on Security and Cooperation in Europe as well as to certain human rights organizations. While it condemned the acts of terrorism in south-eastern Turkey, it remained convinced that the fight against terrorism should be conducted with full respect for international human rights standards.

38. The European Union remained deeply concerned about the human rights violations in Cyprus, which were inherent in that country's tragic division. It reaffirmed its strong support for the Secretary-General's mission of good offices in Cyprus and reiterated its support for the reunification of that country in accordance with the relevant United Nations resolutions and high-level agreements.

39. Regarding the Middle East peace process, it hoped that reconciliation between the Israeli and Palestinian peoples would help to create conditions in which full respect for human rights could be secured. It also hoped that the sovereignty, unity and territorial integrity of Lebanon would soon be restored. It continued to pay very close attention to the human rights situation in Syria, and noted that the Syrian Government, with which it maintained a dialogue, had taken some encouraging steps in 1994.

40. With regard to the Sudan, the European Union noted with deep concern the continued numerous and severe human rights violations described in the report of the Special Rapporteur (A/49/539). It commended the Special Rapporteur for his thorough and impartial investigation and called upon all parties to the conflict to cooperate with him fully. It urged the Sudanese Government to comply with the provisions of international humanitarian law by ceasing its deliberate and indiscriminate bombing of civilian targets.

41. The European Union called upon all parties in Algeria to strive for a political solution to their differences and to end the violence that had cost the lives of more than 10,000 people since 1992.

42. It welcomed the efforts of the Government of South Africa to lead that country to a democratic and non-racial society, based on respect for human rights and the rule of law.

43. With regard to Liberia, the European Union appealed to all parties to the conflict to implement the peace agreements and to support the peacemaking efforts of the United Nations Observer Mission in Liberia (UNOMIL) and the Military Observer Group of the Economic Community of West African States (ECOMOG).

44. It called upon the military Government of Nigeria to restore democratic rule and to reverse the existing violations of human rights and fundamental freedoms.

45. Concerning Burundi, the European Union was still concerned at the continuing violence and violations of human rights there, and trusted that the country's new leaders would take steps to bring peace and security to that nation and the region. It welcomed the opening in Burundi of an office of the High Commissioner for Human Rights and hoped that the High Commissioner's assistance programme, to which it was making substantial financial, material and personnel contributions, would contribute greatly to promoting democracy, the rule of law and the process of national reconciliation.

46. Strongly condemning the gross human rights violations in Rwanda, he welcomed the establishment of the International Tribunal for Rwanda and the decision to deploy human rights observers in the area. In that connection the European Union was making considerable financial and practical contributions. It had also granted massive humanitarian aid to relieve the suffering. He appealed to the new Rwandan Government to take further measures conducive to national reconciliation and respect for human rights. He also hoped that the new Government in Zaire would commit itself to that same respect with a view to bringing about genuine democratization and halting the deterioration of social and economic conditions in Zaire.

47. Turning to Latin and Central America, he encouraged the Peruvian Government to consolidate the country's improved record on human rights and to respect those rights in its fight against terrorism. With regard to Colombia, he remained particularly concerned about human rights violations committed by army

members with impunity, and hoped that the new Government would pursue a positive human rights policy. He hoped that in Guatemala the welcome progress in the peace process would lead to a just and lasting peace and an improvement in the preoccupying human rights situation. Expressing concern about the frequently reported human rights violations in El Salvador, he urged that country fully to implement the peace accords and expected it to accede to various human rights instruments. Similarly concerned about such violations in Cuba, he urged the Cuban Government to grant full civil and human rights to its citizens, to treat dissenters with tolerance, to cooperate fully with the Special Rapporteur and to invite him to visit the country. In Haiti, the restoration of constitutional order and the return of the legitimate authorities paved the way for improving the human rights situation and rebuilding the country. The European Union would assist in that connection.

48. Turning his attention to Asia, he said that the European Union continued to be extremely concerned about the human rights situation in Iraq, and also about reports of the Iraqi Government's involvement in the murder of an opposition member in Beirut and attacks on United Nations guards and non-governmental organizations in northern Iraq. He called on Iraq to respect human rights and to allow the immediate and unconditional stationing of human rights monitors throughout the country, especially in the southern marshes, where the population was being systematically persecuted. He also called for the cessation of the wide-scale repression and internal embargoes and condemned the recent decrees introducing mutilation as a penalty for deserters. Iran, where the human rights situation also gave cause for concern, had failed to resume cooperation with the Special Representative, while the persecution of religious minorities and other human rights breaches relating to religion underscored the need for the Special Rapporteur on religious intolerance to visit the country. He welcomed the efforts aimed at bringing peace to Afghanistan, where serious human rights violations were taking a heavy civilian toll, as well as efforts to reduce the violence and human rights abuses in Kashmir. The European Union urged the Indian Government to give human rights organizations unimpeded access to the country and to cooperate fully with the International Committee of the Red Cross, and hoped to see a resumption of the political dialogue between India and Pakistan and efforts to avoid a deterioration of security in the region.

49. He was particularly concerned about the administration of justice in China and urged the Government of China to protect the right to due legal process, as well as the other internationally recognized individual human rights. He also urged the Government of China to refrain from policies that threatened the cultural, religious and ethnic identity of Tibetans. The European Union welcomed the exchange of views with the Chinese authorities and human rights experts, and reiterated its readiness to intensify it. He called for the release of political prisoners in Myanmar, for their participation in the political process, for the institution of political and economic reforms and for the enjoyment of human rights. With regard to East Timor, he expressed concern over the incidents in Dili, which had heightened tension. The European Union was also following with concern the trial of the imprisoned East Timorese leader, Mr. Xanana Gusmão, and hoped that it would be impartial and objective. Since respect for human rights was a vital prerequisite for a lasting settlement

of the question of East Timor, he urged the Indonesian Government to comply fully with the relevant decisions of the Commission on Human Rights. Lastly, he requested that his remarks should be taken in their intended spirit of constructive interest and as an indication of the importance attached by the European Union to the worldwide promotion and protection of human rights.

50. Mr. HALINEN (Finland) drew attention to the need to promote a universal human rights culture. In that connection the consideration of situations in individual countries provided a means of reminding Governments of their duties and obligations before the international community, and particularly before their own people. In the framework of constructive international cooperation, that consideration should be regarded as preventive action aimed at protecting the oppressed and persecuted, of whom the international community often remained the only defender. Such cooperation required dialogue between sovereign States and demanded universal respect for the decisions of United Nations human rights bodies, cooperation with United Nations representatives and accession to the main international human rights instruments. Member States that failed to comply with those demands set a poor example and bore full responsibility for their outright contempt of the articulated will of the majority.

51. With regard to country situations, he said that human rights were a significant element in discussions on economic and social development, democracy and security, which were interrelated and interdependent concepts. He therefore supported the system-wide integration of the human rights dimension in United Nations activities. The protection and promotion of minority rights, he believed, was an effective means of attacking the root causes of the conflicts which were frequently responsible for the massive human rights violations that occurred daily in many parts of the world. Preventive diplomacy, meanwhile, should target not only political indicators, but also socio-economic conditions and trends. In that regard, fact-finding and early-warning measures, as well as information on human rights violations, should be taken into consideration by the Security Council.

52. He stressed the need to strengthen the rules of humanitarian law applicable to internal disturbances and conflicts, and said that human rights education, training and monitoring were also part of the key prevention mechanism. Since complex emergencies could not be addressed through traditional peace-keeping efforts alone, they required a comprehensive approach and sustained efforts by the States concerned, as well as assistance through regional arrangements and organizations. The situations in Rwanda and Burundi, for instance, had demonstrated the importance of prevention and fast relief action. He welcomed the establishment of the International Tribunals for Rwanda and the former Yugoslavia as major achievements in removing the pattern of impunity. The tribunals should pave the way for a permanent international tribunal for crimes against international human rights and humanitarian law.

53. At the recent World Conference on Human Rights it had been concluded that while development facilitated the enjoyment of human rights, the lack of development could not be invoked to justify the abridgement of internationally recognized human rights. Human rights were a prerequisite and purpose of

development. He pledged unequivocal solidarity with Governments that had genuinely resolved to implement human rights, and urged support for broadening the scope of advisory services and technical assistance offered by the Centre for Human Rights. Finland would continue its substantial contribution to the United Nations Voluntary Fund for such services and assistance, in keeping with its policy of support for United Nations human rights mechanisms. Since the recognized scope of basic human rights was gradually expanding through the increased concern for human rights, as reflected in the establishment of the post of the High Commissioner for Human Rights, he concluded that it was possible to view the future with cautious optimism.

54. Mr. LADSOUS (France) fully endorsed the statement made by the German representative and said the creation of the post of High Commissioner for Human Rights had further consolidated the progress in promoting and protecting human rights achieved at the Vienna World Conference on Human Rights. The persistent human rights violations throughout the world confirmed the need for such a mechanism, which should be reinforced in a consistent and concerted manner. The future protection and promotion of human rights depended on the establishment of a universal culture of human rights. Since grave humanitarian crises were frequently the result of contempt for fundamental human rights, tolerance and respect for others should be taught as part of any educational process. France therefore supported the activities in various countries aimed at imparting the human rights message, which required close collaboration between those concerned. In that connection, the diverse activities of the Centre for Human Rights were vital and should indeed be increased and even further diversified. In peace-keeping operations and development aid, cooperation with specialized agencies and non-governmental organizations could be highly beneficial. He was therefore pleased that the preparations for the plan of action for a United Nations decade for human rights education took account of that diversity, and in that respect the support of the High Commissioner for Human Rights augured well.

55. France attached particular importance to the right to development and to the mandate conferred on the Working Group on the Right to Development to assess the effect of the Declaration of the Right to Development and identify the obstacles to its realization. After reaffirming his view that economic progress could not be achieved without "democratic efficiency", he said that, as prerequisites to sustainable development, the establishment and strengthening of the rule of law were a priority objective of France's cooperation policy. He accordingly emphasized the responsibility of the State for creating conditions conducive to the realization of the right to development, while in the international context, a true global partnership for development was now more vital than ever in view of the enormous changes that had occurred in the developing countries over the past 20 years. Progress could only be achieved by keeping in mind the language of consensus achieved on that subject at the Vienna World Conference on Human Rights. The Committee should therefore endeavour to produce a balanced draft resolution that would be widely acceptable.

56. The future promotion and protection of human rights depended on remedying the problem of the financial and human resources allocated for that purpose to the relevant organizations, which were insufficient for the enormity of the

task. In that light, he reaffirmed the need for a coherent commitment to securing those resources, failing which the lessons learnt from the many recent crises would be lost.

57. Mr. VALENCIA RODRIGUEZ (Ecuador) said that the High Commissioner for Human Rights had initiated a constructive dialogue with Governments without any political bias or selective criteria. That important activity should aim at the promotion of international cooperation, understanding and mutual respect. The increase in the technical cooperation activities carried out by the Centre for Human Rights, as requested by Member States, was encouraging. Ecuador supported the steps taken by the High Commissioner to enhance coordination of the human rights activities conducted by the Secretariat, the specialized agencies, the treaty monitoring groups and non-governmental organizations. Much remained to be done in that regard in order to develop a comprehensive policy, on respect for human rights and the satisfaction of basic needs, that would serve as a guide for the projects and programmes to be carried out.

58. His delegation supported the measures taken by the High Commissioner to promote economic, social and cultural rights, including the right to development, which was a most important issue in view of the close relationship between development and the maintenance of international peace and security. Ecuador encouraged the efforts made by the High Commissioner to promote respect for those fundamental rights, which, in turn, enhanced respect for civil and political rights.

59. The High Commissioner was paying due attention to the alarming problem of xenophobia and other manifestations of racial discrimination, which particularly affected migrant workers and their families. Ecuador attached maximum priority to the protection of the rights of indigenous people and urged the Office of the High Commissioner and the Centre for Human Rights to increase their activities in that important area. Lastly, his delegation hoped that Governments would provide the Office of the High Commissioner with the necessary administrative and financial resources to enable him to carry out his mandate fully.

60. Mr. SUTOYO (Indonesia) expressed satisfaction at the way in which the High Commissioner for Human Rights had carried out his mandate since assuming his responsibilities. Indonesia, like many developing countries, believed that the approach to human rights at the international level should be based on cooperation and dialogue. The High Commissioner had held consultations with a number of Member States in order to promote and protect human rights, thus opening channels of communication rather than engaging in confrontation. His delegation also welcomed the High Commissioner's initiative to establish links with various bodies within the United Nations system in related fields and hoped that he would continue to be guided by the principles of non-selectivity and objectivity in human rights activities.

61. United Nations human rights mechanisms still needed further strengthening. The High Commissioner clearly had an essential role to play in efforts to restructure and rationalize the work of the various human rights bodies. In that connection, his delegation felt that the work of the Third Committee's

Working Group was slow, and that a greater effort would have to be made to rationalize the activities of human rights mechanisms.

62. There was an important need to strengthen the Centre for Human Rights, which faced considerable obstacles in carrying out its responsibilities. The Centre should be made a more effective source of advisory services and technical assistance for Member States, particularly developing countries, in their efforts to set up national human rights frameworks, and should be provided with adequate resources for those tasks. He also emphasized the importance of regional arrangements to promote and protect human rights. There, the Centre for Human Rights played an important role in providing information, assistance and advisory services. In the Asia-Pacific region, the trend towards political dialogue and cooperation should create a more positive environment for the achievement of progress in various fields, including human rights. Through the Centre and the ESCAP secretariat, the countries of that region had explored the possibility of establishing regional and subregional infrastructures and national institutions for the protection of human rights. His Government had recently convened its second national workshop on human rights in cooperation with the Centre for Human Rights. The workshop had focused on ratification of international human rights instruments, the dissemination of information on human rights and the role of the mass media in that endeavour. Indonesia sought to develop a human rights culture conducive to the promotion and protection of those rights. The workshop had been intended to serve as a forum for the development of a national programme of action to be implemented over a five-year period.

63. Although the promotion and protection of human rights was primarily a national responsibility, the effort must be supported in the larger context by the international community. The denial of the right to development was one of the most widespread violations of human rights. There was a vital need, therefore, for a renewed multilateral commitment to development with the aim of promoting prosperity in both the North and the South. Failure to make such an effort would constitute an obstruction to the enjoyment of a human right recognized by the United Nations. His delegation was concerned about the fact that the Working Group on the Right to Development had not been provided with sufficient support. The role of the Working Group was particularly important in promoting implementation of the Declaration on the Right to Development. Lastly, Indonesia reaffirmed its commitment to the promotion and protection of universal human rights and stressed that the international community must continue its efforts to ensure implementation of the Vienna Declaration and Programme of Action.

64. Mr. QUINTERO (Venezuela) reaffirmed his delegation's commitment to implementation of the Vienna Declaration and Programme of Action, which should guide the future work of the United Nations in the field of human rights. Venezuela attached particular importance to the need to further strengthen the Centre for Human Rights and felt that consideration should be given to the possibility of enhancing interaction between the United Nations system, Governments and societies through the establishment of offices in the various regions. His country highly valued the activities carried out by the High

Commissioner for Human Rights and assured him of its support and collaboration on the basis of an open and frank dialogue.

65. The role of information and education in promoting and protecting human rights was well known. He hoped that the General Assembly would proclaim a decade for human rights education, to begin on 1 January 1995, in accordance with resolution 1994/51 of the Commission on Human Rights. A plan of action should be drawn up for the decade, including the establishment of a minimum programme for instruction in human rights at the preschool and the primary and secondary-education levels; the preparation of television programmes for both children and adults, and the awarding of an annual prize to encourage the promotion of human rights.

66. In view of the forthcoming fiftieth anniversary of the United Nations, Venezuela urged the High Commissioner and the Centre for Human Rights to conduct a revitalized world campaign to promote education and public information in the field of human rights. That effort would be a basic contribution to the work of the United Nations in that field and would enable Member States to increase public awareness of the international human rights instruments.

67. As a democratic society, Venezuela was giving increased attention to human rights education. The contribution by specialized agencies and non-governmental organizations to that effort had been essential both in the area of formal education and in the training of law enforcement officials. The Centre for Human Rights had provided Venezuela with useful assistance in that area. Venezuela was carrying out a project to set up a human rights chair in its universities in order to promote education and research and develop a multidisciplinary approach in that field.

68. The observations and recommendations of the United Nations treaty monitoring bodies and the work of the Special Rapporteurs of the Commission on Human Rights were essential in ensuring observance of human rights. Lastly, his Government welcomed the return to Haiti of its constitutional President, Mr. Jean-Bertrand Aristide, as an essential step towards the establishment of democracy in that country, the ending of the atmosphere of terror there and the promotion of national reconciliation. Venezuela was sponsoring a draft resolution on human rights in Haiti, which he hoped would be supported by all Member States.

69. Mr. PSICHARIS (Greece), speaking in the exercise of the right of reply, said that Mr. Mautner-Markhof, in introducing the report of the Special Rapporteur on the situation of human rights in the former Yugoslavia (A/49/641-S/1994/1252), and the Special Rapporteur in his report, had used an incorrect name in referring to the former Yugoslav Republic of Macedonia. In accordance with the recommendation in Security Council resolution 817 (1993), that State had been admitted to membership in the United Nations and was provisionally referred to for all purposes within the United Nations as "the former Yugoslav Republic of Macedonia", pending settlement of the difference that had arisen over its name. Since that difference had not yet been resolved, only the name specified in the Security Council resolution should be used in oral and written

reports. Therefore, his delegation requested that the report of the Special Rapporteur should be reissued with the necessary corrections in the text.

70. Mr. AL-DOURI (Iraq), speaking in exercise of the right of reply, said that his delegation was accustomed to listening to accusations made by the European Union, which selectively criticized the policies of certain countries in pursuance of its political objectives. Those accusations were indeed very far from the truth. An assassination attempt had been made against an Iraqi citizen in Lebanon and the Iraqi Government had been falsely accused of that crime. His Government had categorically rejected that accusation and had requested the Government of Lebanon to permit it to participate in the investigation into the matter. That request, however, had not been granted.

71. The United Nations monitors in northern Iraq were operating in an area which was under the jurisdiction of the allied forces and where various gangs were fighting with each other. It was unfair to hold the Iraqi Government responsible for a situation which the allied forces were unable to control. With regard to the inhabitants of the southern marsh area of Iraq, his Government had no reason whatsoever to persecute the population of that area and categorically rejected all accusations to that effect.

72. The European Union should have addressed the impact of the embargo imposed on Iraq instead of referring to any so-called "internal embargo". Had it not been for the efforts of the Iraqi Government to provide a minimum amount of food and medical supplies to the entire population without exception, the scale of the resulting catastrophe would have been far greater. The economic crisis in his country should have been given more attention by the European Union, which continued to prolong that crisis and should be held responsible for its harmful consequences.

73. Mr. SUTOYO (Indonesia), speaking in exercise of the right of reply, expressed deep regret at the misleading statement made on behalf of the European Union with regard to the human rights situation in East Timor. That statement had failed to take account of the improved conditions in that territory and the concrete steps taken by the Indonesian Government concerning the rights of the people of East Timor. Mr. Gusmão had been charged, inter alia, with leading an armed rebellion against the Indonesian Government and illegal possession of firearms. He had been tried in accordance with the laws of Indonesia, found guilty and sentenced to 20 years imprisonment. Throughout the trial, Mr. Gusmão had had legal counsel and due process of law had been observed.

74. The so-called "recent incidents in Dili" had, in actual fact, been the result of a personal quarrel that had led to the death of one person. A small group of people had tried to portray the incident as a political demonstration and had taken advantage of the situation to commit criminal acts. The Indonesian law enforcement authorities had brought the situation under control. Lastly, he reaffirmed his Government's commitment to work with the Secretary-General to achieve a just, comprehensive and internationally acceptable solution to the question of East Timor and rejected any attempts to impose extraneous conditions in that regard.

AGENDA ITEM 101: PROMOTION AND PROTECTION OF THE RIGHTS OF CHILDREN (continued) (A/C.3/49/L.21/Rev.1, L.22 and L.24)

Draft resolution A/C.3/49/L.21/Rev.1

75. Mr. BARRETO (Peru), introducing draft resolution A/C.3/49/L.21/Rev.1, entitled "Protection of children affected by armed conflicts", on behalf of the States Members of the United Nations that were members of the Group of Latin American and Caribbean States and the other sponsors listed in the document, said that he was pleased to announce that Bangladesh, Finland, Georgia, Iceland, New Zealand and Tajikistan wished to become co-sponsors of the resolution. In response to grave concern about the tragic situation of children in many parts of the world as the result of armed conflicts, the draft resolution called for the General Assembly to recognize that the major needs of children and expectant mothers in such situations and their immediate aftermath were adequate nutrition, proper medical care and shelter, and to call upon Member States and United Nations agencies to take concrete measures to alleviate the situation of children in armed conflict. A number of its paragraphs aimed at strengthening the work of the United Nations in that field. The sponsors hoped that the draft resolution would be adopted without a vote.

Draft resolution A/C.3/49/L.22

76. Mr. BARRETO (Peru), introducing draft resolution A/C.3/49/L.22 on the "Need to adopt efficient international measures for the prevention and eradication of the sale of children, child prostitution and child pornography", on behalf of the States Members of the United Nations that were members of the Group of Latin American and Caribbean States, and on behalf of the other sponsors listed in the document, said that he was pleased to announce that Armenia, Bangladesh, Burkina Faso, the Russian Federation, the Philippines, Georgia and the Federated States of Micronesia wished to become co-sponsors of the draft resolution.

77. The purpose of the draft resolution was to encourage continued investigation into the causes of the alarming increase in violations of the rights of the child worldwide, in particular those related to the sale of children, child prostitution and child pornography, and to condemn such aberrant practices. According to the draft, the General Assembly would urge all Governments to search for solutions and to support the work of the Special Rapporteur.

78. The General Assembly would commend the establishment, initiated by Commission on Human Rights resolution 1994/90 and confirmed by Economic and Social Council resolution 1994/9, of an open-ended working group responsible for elaborating, in close cooperation with the Special Rapporteur and the Committee on the Rights of the Child, guidelines for a possible draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and establishing the basic measures needed to prevent and eradicate such practices.

79. He wished to make an oral revision to paragraph 11, which would read as follows:

> "Requests the Secretary-General to ensure that the Centre for Human Rights is provided within existing resources with the staff and other resources it requires to assist the Special Rapporteur and the working group of the Commission on Human Rights in the effective discharge of their mandate".

80. The sponsors of the draft resolution hoped that it would be adopted without a vote.

Draft resolution A/C.3/49/L.24

81. Mr. MUCH (Germany), introducing draft resolution A/C.3/49/L.24 on "The plight of street children", on behalf of the European Union and its member States and the other sponsors listed in the document, said that Bangladesh, the Czech Republic, the Federated States of Micronesia, Panama, the Philippines, the Russian Federation and Uruguay wished to become co-sponsors of the resolution. Children were a particularly vulnerable group in society, whose rights required special protection. The bitter reality evoked by the Executive Director of UNICEF, the Secretary-General, and various delegations had made it clear that legislation per se was not enough to prevent violations of the rights of children, but needed to be implemented, inter alia, in social, educational and public health programmes.

82. In the draft resolution grave concern was expressed at the continued growth and the number of incidents worldwide in which street children were involved in serious crime, drug abuse, violence and prostitution. The international community was urged to support efforts to improve the situation of street children through international cooperation, the Committee on the Rights of the Child was commended for its attention to the situation of such children, and Governments, United Nations bodies and organizations, intergovernmental and non-governmental organizations, special rapporteurs, special representatives, and working groups of the Commission on Human Rights and of the Subcommission on the Prevention of Discrimination and Protection of Minorities were asked to pay particular attention to the plight of street children.

83. The resolution was being presented under agenda item "Promotion and protection of the rights of children", rather than under "Human rights questions". He hoped it would be adopted by consensus.

The meeting rose at 6.20 p.m.